

Notice of Allowability	Application No.	Applicant(s)	
	09/720,932	BEAMER, BRENT	
	Examiner	Art Unit	
	Kevin R Kruer	1773	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the response filed November 8, 2004.
2. ☒ The allowed claim(s) is/are 1-3,5-12 and 14-30.
3. ☒ The drawings filed on 01 January 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>12/10/2004</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Steven Quinley on Friday December 10, 2004.

The application has been amended as follows:

In claim 18, the phrase - - wherein said film- - has been inserted between the phrases "claim 17" and "has a thickness."

On the first line of the specification, between the title and the heading "background of the invention," the following sentence has been added.

- -This is a 371 U.S. national stage application of PCT/US99/10103, filed May 7, 1999, which was published in English under PCT Article 21(2).- -

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

Claims 1-3, 5-12, and 14-30, including five independent claims (claims 1, 2, 12, 14, and 23) are allowable. White (US 4,699,830) and Havens (US 5,175,033) is the closest prior art for each of the 5 independent claims. For clarity, each of the five independent claims will be discussed separately.

Claims 1 and 2 are drawn to low charge retaining film materials for packaging comprising at least the following layers: (1) a heat sealable static dissipative polymer; (2) a tie layer; (3) a first moisture barrier comprising a metallized surface and a non-metallized surface; (4) a tie layer; (5) a second moisture barrier layer comprising a metallized surface and a non-metallized surface; and (6) a low charge retaining coating. As explained in the Final-Rejection of January 2, 2004, White teaches a packaging material for electrically sensitive components that includes all of said layers except for the non-metallized surface of the first moisture barrier. Furthermore, the prior art as a whole fails to motivate one of ordinary skill in the art to add said non-metallized surface to the laminate taught in White. Havens teaches a packaging laminate for electrostatically sensitive items wherein the laminate optionally has a polymeric insulative layer sandwiched between a conductive metal layer and an antistatic layer (col 3, lines 1+). However, Havens fails to provide any motivation to one of ordinary skill in the art to add such a polymeric insulative layer between the antistatic layer and the first metallized surface of the first moisture barrier taught in White.

Claim 12 is drawn to low charge retaining film materials for packaging comprising at least the following layers: (1) a heat sealable static dissipative polymer; (2) a tie layer; (3) a first moisture barrier including a metal foil and a non-metallized surface; (4) a tie layer; (5) a second moisture barrier layer comprising a metallized surface and a non-metallized surface; and (6) a low charge retaining coating. As explained in the Final-Rejection of January 2, 2004, White teaches a packaging material for electrically sensitive components that includes all of said layers except for the non-metallized

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surface of the first moisture barrier. Furthermore, the prior art as a whole fails to motivate one of ordinary skill in the art to add said non-metallized surface to the laminate taught in White. Havens teaches a packaging laminate for electrostatically sensitive items wherein the laminate optionally has a polymeric insulative layer sandwiched between a conductive metal layer and an antistatic layer (col 3, lines 1+). However, Havens fails to provide any motivation to one of ordinary skill in the art to add such a polymeric insulative layer between the antistatic layer and the metal foil of the first moisture barrier taught in White.

Claim 14 is drawn to low charge retaining film materials for packaging comprising at least the following layers: (1) a heat sealable static dissipative polymer; (2) a tie layer; (3) a dielectric polymer; (4) a metal foil; (5) a tie layer; (6) a second moisture barrier layer comprising a metallized surface and a non-metallized surface; and (7) a low charge retaining coating. As explained in the Final-Rejection of January 2, 2004, White teaches a packaging material for electrically sensitive components that includes all of said layers except for the dielectric polymer layer. Furthermore, the prior art as a whole fails to motivate one of ordinary skill in the art to add said dielectric layer to the laminate taught in White. Havens teaches a packaging laminate for electrostatically sensitive items wherein the laminate optionally has a polymeric insulative layer sandwiched between a conductive metal layer and an antistatic layer (col 3, lines 1+). However, Havens fails to provide any motivation to one of ordinary skill in the art to add such a polymeric insulative layer between the antistatic layer and the first metallized surface of the first moisture barrier taught in White.

Claim 23 is drawn to low charge retaining film materials for packaging comprising at least the following layers: (1) a heat sealable static dissipative polymer; (2) a tie layer; (3) a polymeric moisture barrier comprising a metallized surface and a non-metallized surface; (4) a tie layer; (5) a polymeric layer; (6) a tie layer; (7) a metal foil; and (8) a low charge retaining coating. As explained in the Final-Rejection of January 2, 2004, White teaches a packaging material for electrically sensitive components that includes all of said layers except for the non-metallized surface of the polymeric moisture barrier. Furthermore, the prior art as a whole fails to motivate one of ordinary skill in the art to add said non-metallized surface to the laminate taught in White. Havens teaches a packaging laminate for electrostatically sensitive items wherein the laminate optionally has a polymeric insulative layer sandwiched between a conductive metal layer and an antistatic layer (col 3, lines 1+). However, Havens fails to provide any motivation to one of ordinary skill in the art to add such a polymeric insulative layer between the antistatic layer and the first metallized surface of the first moisture barrier taught in White.

As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Substitute Specification

The substitute specification filed November 8, 2004 did not comply with 37 CFR 1.125 because the substitute specification was not accompanied by a statement that the substitute specification includes no new matter. In order to comply with said requirement of 37 CFR 1.125, Applicant has right-faxed the examiner a statement that the substitute specification of November 8, 2004 includes no new matter. Said statement has been scanned along with this Office Action. Applicant has, therefore, fully complied with the requirements of 37 CFR 1.1.25.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin R Kruer whose telephone number is 571-272-1510. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Deborah Jones can be reached on 571-272-1535. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kevin R. Kruer
Patent Examiner-Art Unit 1773